

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**ROBERT EDGAR HOLDER, by and through  
his natural parents and general guardians,  
Valley Holder and Brenda Holder and  
MATTHEW CLAYTON HOLDER, by and  
through his natural parents and general  
guardians, Valley Holder and Brenda Holder**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 4:02CV148LR**

**ELI LILLY & COMPANY, SIGMA  
ALDRICH, INC. and SPECTRUM  
CHEMICAL MANUFACTURING CORP.**

**DEFENDANTS**

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**ORDER**

This matter came before the court on the Joint Motion to Dismiss, or, in the Alternative, for a More Definite Statement that was filed by the Defendants in this matter. Having reviewed this Motion with the District Judge, the court is of the opinion that it should be construed as a Motion for a More Definite Statement. This case has a long and complex history that includes a dismissal by this court and a remand and partial reversal by the Fifth Circuit Court of Appeals that reinstated the case as to only three of the twenty original Defendants. These remaining Defendants argue that the allegations of the Complaint are insufficient to state a claim against them under state or federal law. The Plaintiffs contest that argument, but have alternatively requested leave to amend their Complaint if the court finds it to be deficient.

In the four years that this case has been pending, the Plaintiffs have apparently obtained additional information regarding the source of their damages. Moreover, their Complaint, which was originally drafted against many Defendants, appears to lack the requisite specificity as to the three that remain. Under these circumstances, the court is of the opinion that the better course of action

at this juncture is to require the Plaintiffs to review that Complaint and to amend it to ore specifically state a cause of action against these Defendants.

IT IS, THEREFORE, ORDERED that the Joint Motion to Dismiss, or, in the Alternative, for a More Definite Statements, which has been construed by the court as a Motion for a More Definite Statement, is hereby **granted**. The Plaintiffs shall file and serve an Amended Complaint on or before July 31, 2006.

IT IS SO ORDERED, this the 10<sup>th</sup> day of July, 2006.

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S/John M. Roper

UNITED STATES MAGISTRATE JUDGE